

REMARKS

The amendment does not involve new matter. The limitations of claim 38 have been added to claim 28, and claim 38 has been canceled. Pages 23 and 27 have been amended to correct typographical errors. The first paragraph of the application has been amended to delete the cross-reference to Application Serial No. 09/885,293 to extend the life of the patent resulting from the present application. Now the resulting patent will expire 20 years based the filing date of Application Serial No. 10/364,290, rather than 20 years based on the filing date of Application Serial No. 09/885,293. It is believed that the present claims are not supported by the 09/885,293 application, and that this change of cross-reference does not make any prior art now available that was not previously available. However, this is called to the Examiner's attention so that he can appropriately consider this point, and also whether any terminal disclaimers are needed to avoid obviousness-type double patenting rejections.

Examiner King is thanked for the courtesy of a telephone interview with the below signed attorney on July 16, 2009. During that interview, claims 28 and 38 were discussed. U.S. Patent No. 3,027,911 (Gilmore) was discussed. No amendments were presented. The thrust of the primary argument presented tracked the arguments included in the Amendment filed May 11, 2009. The forgoing amendment to page 1 was discussed. No agreement was reached.

In the outstanding Office Action, claims 28, 31, 33, 37 and 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilmore in view of A.H. Church, "ALTERING WOUND SPRINGS To Modify Their Deflection Rates" (Church). Applicants traverse this rejection. However, since claim 38 was noted as being allowable in the outstanding Office Action, Applicants have amended claim 28 to include the limitations of claim 38 to expedite allowance of this application. This amendment is made without prejudice to presenting claim 28 in its original form in a continuing application

Claims 28 is thus allowable, and claims 31, 33, 37 and 38 dependent on claim 28 and are thus also allowable. Further, since claim 28 is a generic claim, the allowability of claim 28 requires the species restriction to be withdrawn. Claims 29, 30, 32 and 34, dependent on claim 28, should be brought back into consideration and allowed, and

have been relabeled in the forgoing listing of claims as "Original" instead of "Withdrawn".

It is believed that the case is in condition for allowance. An early notice to that effect is respectfully requested.

Applicants respectfully request the Examiner to review the claims and the prosecution history, including Office Actions issued by the U.S. Patent and Trademark Office, for U.S. Patent No. 7,337,796 and pending U.S. Patent Application Serial No. 11/840,053, since the specifications include common subject matter. The '796 patent issued from a divisional application of the present application. The '053 application is a divisional of the present application.

Respectfully submitted,

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